

DETAILED ACTION

Allowable Subject Matter

Claims 1-6, 8-21, 37-41, 43-54, 70-72, 74-75, 77-78 are allowed.

The following is an examiner's statement of reasons for allowance: The Applicant's invention is directed to downloading a electronic item into a physical item that the user selects. The Applicant arguments regarding the Sharp reference not having second selection of physical item is persuasive.

The Applicant describes the physical item as tattoos, nail treatment and jewelry where the selected electronic item, i.e. software or application, is downloaded. This feature is not taught by the prior art.

The closest prior art is US Patent Pub 2002/0193047 to Weston, where Weston discloses a physical item having RFID attached to the item. And further the RFID being encoded with information that add flavor/quality to the physical item like personality traits, special powers, etc... However, Weston fails to disclose the user selection of the electronic item; the vending machine as explicitly recited in Claim 1, and implied in Claims 37, 70-71, 78 by the term "providing the physical item". And further the "facilitating virtual entity access" is used in the preamble to describe provisioning the item to the user.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkat Perungavoor whose telephone number is 571-272-7213. The examiner can normally be reached on 8-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/V. P./
Examiner, Art Unit 2432
November 23, 2009

/Jung Kim/

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Primary Examiner, AU 2432